

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE \* BKRTCY. NO. 12-01306 BKT  
MARIELA DIAZ PEREZ \* CHAPTER 13  
DEBTOR \*

**DEBTOR'S MOTION AND NOTICE OF FILING OF POST-CONFIRMATION  
MODIFICATION OF CHAPTER 13 PLAN 11 USC §1329**

TO THE HONORABLE COURT:

COMES NOW, MARIELA DIAZ PEREZ, the debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The debtor is hereby submitting a post-confirmation modification of Chapter 13 Plan, 11 USC Section 1329, dated October 5, 2013, herewith and attached to this motion.

2. This Plan modification is filed to provide for post-petition arrears to secured creditors EMI Equity and Toyota Motor Credit and propose an increase in Plan payment schedule which will allow the debtor to complete the required payments under the Plan.

**NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 3015(f)**

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, and all CM/ECF participants; I also certify that a copy of this notice was sent via

Page -2-  
Post Confirmation Modification 11 USC 1329  
Case no. 12-01306 BKT13

regular mail to the debtor and to all creditors and interested parties appearing in the master address list, hereby attached.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 8<sup>th</sup> day of October, 2013.

/s/Roberto Figueroa Carrasquillo  
ROBERTO FIGUEROA CARRASQUILLO  
USDC #203614  
ATTORNEY FOR PETITIONER  
PO BOX 186 CAGUAS PR 00726  
TEL NO 787-744-7699 FAX 787-746-5294  
Email: [rfigueroa@rfclawpr.com](mailto:rfigueroa@rfclawpr.com)

United States Bankruptcy Court  
District of Puerto Rico

IN RE:

Case No. 12-01306-13

DIAZ PEREZ, MARIELA

Chapter 13

Debtor(s)

**CHAPTER 13 PAYMENT PLAN**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee  directly  by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>10/05/2013</u>		<input type="checkbox"/> AMENDED PLAN DATED: _____ Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other
<input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION		
<b>I. PAYMENT PLAN SCHEDULE</b>		<b>II. DISBURSEMENT SCHEDULE</b>
\$ <u>100.00</u> x <u>19</u> = \$ <u>1,900.00</u>		A. ADEQUATE PROTECTION PAYMENTS OR \$ _____
\$ <u>120.00</u> x <u>23</u> = \$ <u>2,760.00</u>		B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:
\$ <u>387.00</u> x <u>18</u> = \$ <u>6,966.00</u>		1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>EMI EQTY MTG</u> Cr. <u>TOYOTA MOTOR CR</u> Cr. _____ # <u>500193</u> # <u>70404061303750001</u> # _____ \$ <u>2,147.87</u> \$ <u>811.23</u> \$ _____
\$ <u>          </u> x <u>      </u> = \$ <u>      </u>		2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____
\$ <u>          </u> x <u>      </u> = \$ <u>      </u>		3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____
TOTAL: \$ <u>11,626.00</u>		4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____
Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:		5. <input type="checkbox"/> Other: _____
<input type="checkbox"/> Sale of Property identified as follows: _____		6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>EMI EQTY MTG</u> <u>TOYOTA MOTOR CR</u>
<input type="checkbox"/> Other: _____		C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)
<b>III. ATTORNEY'S FEES</b> (Treated as § 507 Priorities)		D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____
Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,861.00</u>		2. Unsecured Claims otherwise receive PRO-RATA disbursements.
Signed: <u>Mariela Diaz Perez</u> Debtor		OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) * "Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan completion. The plan shall be deemed modified by such amount, without the need of further Court order. The debtor(s) shall seek court's authorization prior any use of funds." Late filed claims filed by creditors will receive no distribution. "Surrenders collateral": Shares/savings in any Cooperativa/Association/Bank. Debtor reserves the right to object claims after plan confirmation.
Joint Debtor		

DIAZ PEREZ, MARIELA  
PO BOX 214  
YABUCOA, PR 00767-0214

SECURITY CREDIT  
GECC  
2612 JACKSON AVE W  
OXFORD, MS 38655-5405

R. Figueroa Carrasquillo  
Law Office  
PO Box 186  
Caguas, PR 00725-0186

TOYOTA MOTOR CREDIT CORP  
PO BOX 2730  
TORRANCE, CA 90509-2730

AT&T  
5407 ANDREWS HWY  
MIDLAND, TX 79706-2851

US DEPARTMENT OF EDUCATION  
501 BLEECKER ST  
UTICA, NY 13501-2401

BANK OF AMERICA  
PO BOX 53132  
PHOENIX, AZ 85072-3132

EMI EQTY MTG  
PO BOX 361414  
SAN JUAN, PR 00936-1414

ENHANCRCVRCO  
SPRINT  
8014 BAYBERRY RD  
JACKSONVILLE, FL 32256-7412

JC PENNEY  
PO BOX 364788  
SAN JUAN, PR 00936-4788

MAZA & GREEN  
PO BOX 364028  
SAN JUAN, PR 00936-4028

OPERATING PARTNERS  
PO BOX 194499  
SAN JUAN, PR 00919-4499

SCOTIABANK  
PO BOX 362649  
SAN JUAN, PR 00936-2649